

★ FEB 25 2019 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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BROOKLYN OFFICE

ANGELO KATSANOS and PERLA MIRANDA, :

Plaintiffs, :

- against -

JAX INN RESTAURANT CORP. d/b/a/ JAX
INN DINER, MODERN HOSPITALITY
GROUP CORP., ANTONIOS
GIANNOPOULOS, PETER GIANNOPOULOS,
JOHN DOE a/k/a TONY, *jointly and severally*,

: **ORDER ADOPTING REPORT
AND RECOMMENDATION**
: 17-CV-3199 (AMD)(JO)

Defendants.

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ANN M. DONNELLY, United States District Judge:

On May 26, 2017, the plaintiffs brought this action alleging that their former employers, Jax Inn Restaurant Corp., Modern Hospitality Group Corp., Antonios Giannopoulos, Peter Giannopoulos, and John Doe (a.k.a. Tony) violated the Fair Labor Standards Act and the New York Labor Law. (ECF No. 1.) On January 11, 2019, the parties filed a joint motion to dismiss, informing the Court that they had settled the case; they also sought judicial approval of the settlement under the principles outlined in *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015). (ECF No. 40.) According to the motion and the attached settlement agreement and attorney timesheets, the defendants are to pay the plaintiff \$53,000.00, which includes attorneys' fees. (ECF No. 40-1.) On February 8, 2019, the Honorable James Orenstein issued a Report and Recommendation ("R&R") in which he recommended that I grant the motion to dismiss and approve the settlement. (Feb. 8, 2019 Order.) The parties were to file objections to the R&R by February 22, 2019; no objections were filed.

In reviewing a Report and Recommendation, a district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). When a party submits a timely objection, the district court must “make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1)(C); *accord* Fed. R. Civ. P. 72(b)(3). The court reviews for clear error the remaining portions of a report and recommendation to which there are no specific reasoned objections. *See Pall Corp. v. Entegris, Inc.*, 249 F.R.D. 48, 51 (E.D.N.Y. 2008).

I have reviewed Judge Orenstein’s R&R, the settlement agreement, and the record. I adopt his recommendation that I grant the motion and approve the settlement. I find that the settlement is fair and reasonable under the principles set forth in *Cheeks*. The Clerk of the Court is respectfully directed to close the case.

SO ORDERED.

s/Ann M. Donnelly

Ann M. Donnelly
United States District Judge

Dated: Brooklyn, New York
February 25, 2019